

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19 CR 833 (SHS)

JOSEPH CIACCIO,

Defendant.

Sentence
(via Microsoft Teams)

New York, N.Y.
November 18, 2021
11:10 a.m.

Before:

HON. SIDNEY H. STEIN,

District Judge

APPEARANCES

DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

BY: ROBERT SOBELMAN
Assistant United States Attorney

SULLIVAN & CROMWELL, LLP

Attorneys for Defendant

BY: NICOLE W. FRIEDLANDER
TREVOR A. CHENOWITH

1 (Case called)

2 MR. SOBELMAN: Robert Sobelman, United States. Good
3 morning, your Honor.

4 THE COURT: Good morning.

5 MS. FRIEDLANDER: Nicole Friedlander, Sullivan &
6 Cromwell, for the defendant, Joseph Ciaccio. With me is Trevor
7 Chenowith an associate at my firm, and I'll note Mr. Ciaccio is
8 present as well. Good morning.

9 THE COURT: Good morning.

10 Mr. Ciaccio, can you hear me and see me, sir?

11 THE DEFENDANT: Yes, your Honor. Good morning.

12 THE COURT: Who is that with you, sir?

13 THE DEFENDANT: This is Trevor.

14 MS. FRIEDLANDER: Good morning, your Honor. I'm an
15 associate of Nicole's.

16 THE COURT: Good morning. One of you is wherever
17 Ms. Friedlander is and you, sir, are where the defendant is, is
18 that correct?

19 MR. CHENOWITH: That's correct, your Honor.

20 THE COURT: Mr. Ciaccio, do you understand, sir, you
21 have a right to appear physically before me in a courtroom in
22 the Southern District of New York for this sentencing?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: You also understand that you have the
25 right to speak directly in the courtroom to me, and you also

1 have the right to have your lawyer right next to you, which you
2 do, because he is right next to you, but you are not before me
3 and you can't speak physically in front of me. Do you
4 understand that, even though you have that right?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Do you understand that the COVID-19
7 pandemic has restricted access to the courthouse?

8 THE DEFENDANT: Yes.

9 THE COURT: Congress has authorized the use of
10 videoconferencing for sentencings if the need arises and it's
11 reasonably available. Do you understand that?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: You can have this sentencing adjourned
14 until the end of the pandemic, if you wish, or, if you wish to
15 waive the rights I have set forth, we can proceed now.

16 What do you prefer, sir?

17 THE DEFENDANT: I would like to proceed now, sir.

18 THE COURT: I accept that, sir. And I do make the
19 finding that this sentencing should not be further delayed and
20 cannot be further delayed without serious harm to the interests
21 of justice.

22 Let me tell you what I have, lady and gentlemen. I
23 have the presentence report, which was revised on July 1 of
24 this year, along with the sentencing recommendation and the
25 addendum. And the sentencing recommendation on a total offense

1 level of 27 in a criminal history category of II is for an
2 enormous variance from the guideline range of 78 to 97 months
3 down to time served along with supervised release of two years
4 and other recommendations of the probation department.

5 I also have the submission of the government, dated
6 November 12, in which the government asks for a significant
7 term of supervised release.

8 I also have the amended sentencing memorandum of
9 Mr. Ciaccio. It's document 387 with an extensive list of
10 medical records and other materials.

11 Then on November 16, I received a submission from
12 Ms. Friedlander notifying me that Mr. Ciaccio had been turned
13 down for public housing, and I also received a sheaf of family
14 photographs, I take it, from Mr. Ciaccio's family.

15 Is there any additional information I should have,
16 Ms. Friedlander?

17 MS. FRIEDLANDER: No, your Honor. We would just ask
18 that Exhibit 15, which we just submitted, the photographs of
19 Mr. Ciaccio and his children, be filed under seal because they
20 include images of minor children.

21 THE COURT: Is that a basis for sealing?

22 MS. FRIEDLANDER: I understood that it was.

23 THE COURT: I have no objection if that's what the
24 defense wants. They are rather nice pictures. But if the
25 defense wants, it's fine with me.

1 Mr. Sobelman, what is your position?

2 MR. SOBELMAN: We have no objection to the request,
3 your Honor.

4 THE COURT: They will be filed under seal.

5 Ms. Friedlander, have you had a full opportunity to
6 read and discuss this information with your client and have you
7 in fact read and discussed it with him?

8 MS. FRIEDLANDER: Yes, your Honor.

9 THE COURT: Mr. Sobelman, is there any written
10 information I should have apart from that which I have set
11 forth here?

12 MR. SOBELMAN: No, your Honor.

13 THE COURT: Do you have any objections to the findings
14 of fact in the presentence report?

15 MR. SOBELMAN: No, your Honor.

16 THE COURT: Ms. Friedlander, do you?

17 MS. FRIEDLANDER: No. Thank you.

18 THE COURT: I am going to adopt the findings of fact
19 in the presentence report.

20 This is an extraordinary case, obviously. No one
21 would want to be in the position Mr. Ciaccio is in. But the
22 fact still remains he committed a substantial federal felony
23 and a penalty is appropriate.

24 Ms. Friedlander, my recollection is, from our past
25 conferences, which have been on video, that there was a

1 disconnect in terms of some information I was receiving.

2 On the one hand, the medical information characterizes
3 your client as a paraplegic that's likely to remain that way
4 for the rest of his life and he will need 24-hour care.

5 On the other hand, there was talk last time from your
6 client about his moving into a home that was adapted for
7 wheelchair use, and I have conflicting information regarding
8 the family situation as well.

9 Tell me, from the defense standpoint, what's happening
10 with Mr. Ciaccio? I see he was rejected for public housing.
11 I'm not sure what that means, but it certainly suggests he is
12 not going to be in a 24-hour-a-day health care setting.

13 MS. FRIEDLANDER: Thank you, your Honor. Happy to
14 address it. I don't think the information is conflicting, but
15 it certainly requires explanation.

16 Mr. Ciaccio, he is paraplegic, but that is only a part
17 of the issues that he deals with. He is subject to frequent
18 medical conditions, bed sores and the like that develop
19 rapidly, can become life threatening quickly and, when they
20 develop, require hospitalization or 24-hour treatment. So he
21 is currently in a facility now that is trying to address bed
22 sores that he developed. He has been there for many months.
23 The wounds are terrible. They are not healing. The doctors
24 think he will require surgery in order to repair them.

25 The hope, your Honor, is that Mr. Ciaccio can

1 rehabilitate to a point where he's capable of living outside of
2 a facility, like a place Lehmann Gardens, the public housing
3 facility he had applied to. He is not able to do that today.
4 He is not expected to be able to do that for months, if ever.
5 I don't really know. I don't think anyone really knows when he
6 would be able to leave. But he had applied to Lehmann Gardens.
7 They have a waiting list, your Honor, for apartments, and Joe's
8 hope had been to put himself on the waiting list so that by the
9 time an apartment came up that he would be in a position to
10 accept one.

11 He has learned that he has been denied for that, in
12 part, because we were told, speaking to counsel for Lehmann
13 Gardens just this week, that you have to be ready to move in in
14 order to be considered or accepted for housing there. Because
15 he's far from being physically medically able to live on his
16 own, they wouldn't consider him, at least now.

17 They also said that his history of drug use or his
18 more recent issues with drug use or attempting to get drugs
19 would be an issue for them, and they would like to see him
20 develop a longer record of drug-free life in order for him to
21 be accepted.

22 So he has not been denied with prejudice. We hope and
23 expect that he will be accepted for an apartment there and that
24 he will be physically capable of living on his own and he can
25 apply and be accepted there, but he is not in that position

1 today, your Honor, or frankly even close to it.

2 THE COURT: Tell me whatever it is you want me to
3 know.

4 MS. FRIEDLANDER: Thank you, Judge.

5 I'd like to start by saying that Mr. Ciaccio accepts
6 responsibility for his conduct. He is deeply sorry for it. He
7 recognizes that he helped to take advantage of a vulnerable
8 population. Joe himself is now a part of a vulnerable
9 population as a result of his accident, and he appreciates
10 acutely the risks and the dangers associated with that.

11 I know that Joe plans to address the Court today, and
12 I will leave it to him to speak to your Honor directly on that
13 subject.

14 THE COURT: I must say, not only the crime itself
15 concerns me, but that's over, and I really doubt that he is
16 going to go back to anything like that. So I don't think
17 individual deterrence is a real issue.

18 The general deterrence might be. Punishment is --
19 although he seems to be punished through other means, that is,
20 paraplegia. I don't mean to make a connection there.

21 But his drug use does concern me. Apparently, there
22 is easy access or relatively easy access to drugs at these
23 facilities. You've seen the memo or memos from the probation
24 department. I'm not quite sure how to deal with that. That
25 is, if he continues his drug use, and indeed that's one of the

1 reasons I think that the government is seeking a longer term of
2 supervised release, if he continues the drug use while on
3 supervised release, and it's apparently fairly easy to locate
4 because he gets blood tests or intravenous, or apparently you
5 can't hide taking drugs in the medical regimen he is under.
6 That, of course, of necessity, would lead to some action by the
7 Court. I am not sure what that would be, but it would have to
8 be punitive in part so it's -- I am not quite sure what the
9 answer is.

10 MS. FRIEDLANDER: Your Honor, we recognize the
11 problem, and the Court has raised the problem before. You
12 raised this issue when we met in July. We had a bail
13 revocation hearing and the Court raised this exact challenge.
14 I think both parties recognize the challenge here.

15 When we met in July, the Court told us it was going to
16 want to understand the options for sentencing here, the risks
17 and the benefits, if any, of sentencing Mr. Ciaccio to
18 incarceration, including at a federal medical facility like
19 Butner.

20 Specifically with regard to the drug issue that is
21 foremost in all of our minds, or at least one of the foremost
22 issues in our mind, your Honor in response, we hired experts to
23 try to help the Court and help us answer those questions.

24 So we consulted Dr. Stuart Kahn, who is a clinical
25 expert, the director of interventional pain and rehabilitation

1 at the Orthopedic Spine Center at Mt. Sinai, and we consulted
2 Maureen Baird, who is an expert prison consultant with 27 years
3 of prison experience. She was the warden at several prisons.

4 Your Honor, we asked them to -- we gave them the
5 background. They reviewed relevant records and they spoke with
6 each other because Dr. Khan is a medical expert who appreciates
7 the risks and the needs of Mr. Ciaccio, and Ms. Baird
8 understands better what federal prisons are capable of
9 providing.

10 I just want the Court to know that we did not advocate
11 for a position with these experts. It's true Mr. Ciaccio
12 doesn't want to go to a prison facility. They are aware of
13 that. But we did not ask them to put together the best
14 argument for why he ought not to.

15 We understand Mr. Ciaccio could face life-threatening
16 risks, whether he is incarcerated or not. Frankly, we didn't
17 want to put our finger on the scale. Although, as I said, they
18 know he doesn't want to go to a facility, we told them that we
19 just want to know what they think is the right outcome here and
20 the real risks and benefits on both sides, because we really
21 want to get this right, and there are risks no matter what
22 sentence the Court imposes today. We told them that that's
23 what you are looking for, is their expert guidance on what you
24 ought to do in a difficult situation where no answer is right
25 and without risk.

1 Your Honor has read the sentencing submissions. You
2 have seen that they are strongly of the view that the dangers
3 to Mr. Ciaccio are far greater in the federal system, including
4 with respect -- specifically with respect to the drug
5 counseling and treatment that he needs. So I can tell you that
6 is the view of experts, both the prison expert and the doctor.
7 That's what we would point to. That's why we hired them, your
8 Honor, just to help you on this question. But we recognize
9 that there is risk all around.

10 As to the appropriate sentence, as you said it's
11 obviously an unusual case. For all the reasons set forth in
12 our sentencing submission, we believe and, obviously the
13 government and probation don't disagree, that a
14 nonincarceratory sentence would be appropriate, including with
15 special conditions of mental health and drug counseling and
16 treatment. It is the sentence we ask the Court to impose
17 today. We would ask the Court to depart under 5H1.4 of the
18 guidelines and impose that sentence.

19 THE COURT: Let me cut you off because that's one of
20 the technical questions I had. You're asking for a departure
21 rather than a variance?

22 MS. FRIEDLANDER: I am not sure if I'm using the
23 correct language. I think, under 5H1.4, Mr. Ciaccio qualifies
24 for a downward departure. I think the effect is the same,
25 whether you say his guidelines are 78 to 97 months and I'm

1 going to impose a nonguidelines sentence, or you say, I am
2 going to depart under 5H1.4 and instead of a guidelines of 78
3 to 97, I am going to find that it's time served.

4 I don't feel strongly, Judge, about which avenue the
5 Court takes. I just think, as we read 5H1.4 and the case law,
6 it seems to us that Mr. Ciaccio qualifies under this extremely
7 rarely used, unusual and rarely used provision.

8 THE COURT: Thank you.

9 Mr. Sobelman, what is the position of the government?
10 The position stated in your submission is, I believe, a
11 variance, again, probably technical, but a variance to time
12 served, and I think you say a substantial period of supervised
13 release, is that right?

14 MR. SOBELMAN: Yes, your Honor, that's correct.

15 THE COURT: What's a substantial period of supervised
16 release and why?

17 MR. SOBELMAN: I think in excess of the two years that
18 has been asked for by the defendant and recommended by the
19 probation office. We think that two years is insufficient.

20 Principally, it's the reason your Honor flagged
21 earlier, which is our genuine concern for the safety and
22 well-being of the defendant. We also have some concern not
23 that he will engage in the same criminal conduct, but we want
24 to make sure he has adequate supervision in the coming years to
25 make a transition to living a law-abiding life, both with

1 respect to drugs and otherwise, and particularly where had it
2 not been for his medical condition, we would anticipate that we
3 would have sought, and the Court likely would have imposed, a
4 fairly lengthy term of imprisonment. A short term of
5 supervision, two years or less, we think, is insufficient here.

6 THE COURT: Help me. What's the purpose of three,
7 four, five years rather than two years? What goal is
8 accomplished?

9 MR. SOBELMAN: Your Honor, we think the defendant
10 should have the support and mentorship and person looking over
11 his shoulder from the probation office for a lengthier period
12 of time, in light of the amount of time he spent committing the
13 instant offense, the time since his arrest that he struggled to
14 remain in compliance with the restrictions imposed on him, and,
15 of course, your Honor has the discretion -- if two years go by
16 and there is no issue, your Honor would certainly have the
17 discretion at that point to terminate his supervised release
18 early. But we would prefer, at least at the outset, a longer
19 term of supervised release being imposed in order to make sure
20 that, if it is required, fair.

21 THE COURT: Thank you.

22 Mr. Ciaccio, you don't have to say anything, but if
23 you want to talk to me, here I am on MS Teams ready to hear
24 whatever you have to say.

25 THE DEFENDANT: Thank you, your Honor.

1 I apologize for having to read my statement. But,
2 unfortunately, one of the major effects from my accident is
3 memory loss. I have a hard time retaining things, so it helps
4 me to write it.

5 THE COURT: That's perfectly all right. This is being
6 recorded. We do have a reporter on the line. When people
7 read, they often speed up, so just go slowly so the reporter
8 can take it down.

9 THE DEFENDANT: OK.

10 First, I want to say good morning, your Honor.

11 I would like to start by sincerely apologizing to all
12 the victims for my actions and decisions. I want to take full
13 responsibility for my actions and have accepted my involvement
14 in this crime.

15 I'm not the same man I was two years ago. I have
16 changed both physically and mentally due to my accident. I
17 have been stripped of any dignity I had left as a person. Not
18 only have I lost the ability to walk or care for myself
19 physically, but the path that I chose that brought me here
20 today, I was greedy, I was arrogant, and selfish.

21 I've had a lot of time to think and be with my
22 thoughts and the pain that I caused the victims is
23 immeasurable. I want to make my wrongdoings right and show the
24 Court that I am capable of doing so.

25 Part of that means apologizing today and part of it is

1 recognizing that an apology is just the beginning because being
2 responsible for bad behavior means you don't repeat it. I want
3 the Court to know that I am committed to doing the right thing
4 moving forward.

5 I am the father of three young children, your Honor.
6 I'm also a husband and a son. My actions have affected them
7 already so much, and their lives have been forever changed. A
8 huge motivation to work so hard at rehabilitating from my
9 accident are my wife and kids. I am determined to become the
10 husband and father that they both deserve.

11 As your Honor knows, I have had issues with addiction
12 in the past, but I've also shown that I can overcome it. I was
13 sober for five years until shortly before my accident, and I'm
14 willing to work extremely hard at maintaining my sobriety
15 moving forward. I attend AA meetings currently on average of
16 about five times a week. Between doing step work, fellowship
17 and working with the sponsor, the meetings are incredibly
18 helpful for me in achieving and maintaining long-term sobriety.

19 I would finally like to thank the Court for your time
20 invested in this case and the opportunity to address the court
21 today. I am deeply sorry and remorseful for my actions and
22 hope that I can make this right thank you for your time, your
23 Honor.

24 THE COURT: Thank you.

25 In all of this discussion I don't want the magnitude

1 of your criminal wrongdoing to go unremarked. You managed a
2 sales floor which, as you know, I'm familiar with the
3 conspiracy and that you managed it for a considerable period of
4 time. A lot of people were defrauded. That's very serious
5 wrongdoing. I don't think you are going to do it again.
6 That's for sure.

7 Mr. Sobelman -- I'll address this to both of you. I
8 see that the forfeiture, the recommended forfeiture, is over a
9 million dollars. Have I signed a preliminary order of
10 forfeiture in this case already?

11 MR. SOBELMAN: Your Honor, I know we have a version
12 that was signed by the parties.

13 THE COURT: The reason I ask that is, I don't think I
14 have.

15 MR. SOBELMAN: Your Honor, I can submit it by e-mail
16 to the Court right now.

17 THE COURT: Ms. Friedlander, do you have any
18 additional information?

19 MS. FRIEDLANDER: I don't offhand, your Honor. I
20 don't recall seeing a signed preliminary order.

21 THE COURT: Is the order you are going to submit
22 signed by the parties and is it for \$1,140,887.53, sir?

23 MR. SOBELMAN: It's signed by the parties. I just
24 want to confirm the amount. \$1,140,887.53.

25 THE COURT: Yes. E-mail that to my deputy.

1 MR. SOBELMAN: Yes, your Honor.

2 THE COURT: What's the parties' position on
3 restitution?

4 MR. SOBELMAN: Your Honor, we would ask for a
5 reasonable period of time in order to submit a restitution
6 order.

7 THE COURT: What's the position of the defense?

8 MS. FRIEDLANDER: No objection, your Honor.

9 THE COURT: Does statute give you 90 days? Is that
10 correct, Mr. Sobelman? Is it 60 or 90?

11 MR. SOBELMAN: It's 90, your Honor.

12 THE COURT: You'll have 90 days. Get it to me
13 beforehand and let me know. I assume it will be joint and
14 several with the other codefendants here. I think that would
15 be appropriate. Let me know if Ms. Friedlander has consented
16 to it.

17 MR. SOBELMAN: We will, your Honor.

18 THE COURT: The judgment will say that the parties
19 have 90 days to submit an appropriate restitution order.

20 I think the request for supervised release, lengthy
21 term of supervised release, makes most sense. If indeed
22 Mr. Ciaccio is going to be leaving the long-term health care
23 facility, I am not sure it makes that much sense if he's in the
24 24-hour care facility.

25 But I am not going to sentence this man to prison. It

1 makes no sense. If anything, it would simply be shifting the
2 costs of his medical care from Medicare or Medicaid to the
3 Bureau of Prisons. I think it would be a confinement that's
4 not needed, given his extreme physical limitations and a
5 punishment that's not needed.

6 I am going to follow the recommendations of the
7 probation department and, for that matter, the parties. I will
8 make it a departure, as opposed to a variance. There is a
9 difference.

10 The departure will be under 5H1.4 for physical
11 condition and, obviously, Mr. Ciaccio's physical condition is
12 paraplegia grade A in which he is paralyzed from the waist
13 down, and the prognosis is that he will not walk again or
14 independently care for himself.

15 I certainly hope you beat that prognosis, Mr. Ciaccio,
16 and I wish you as great a recovery as possible.

17 But I do make the finding that his paraplegia, in
18 combination with his other characteristics, including his drug
19 dependency, is present here to an unusual degree and
20 distinguishes this case from the typical cases covered by the
21 guidelines and considered by the United States Sentencing
22 Commission. So this is a departure under 5H1.4. The Court
23 fully understands that 5H1.4 is a policy statement. It is not
24 binding on the Court in any way and, in addition, the Court
25 understands that the guidelines themselves are not binding but

1 are simply advisory.

2 I do intend to impose the other conditions recommended
3 by the probation department. I will make supervised release,
4 however, two years. I think that is appropriate.

5 Before I formally impose sentence, Ms. Friedlander,
6 does the defense have any objection?

7 MS. FRIEDLANDER: No, your Honor. Thank you.

8 THE COURT: Mr. Sobelman, does the government have any
9 objection?

10 MR. SOBELMAN: No, your Honor.

11 THE COURT: My deputy has just handed me a consent
12 preliminary order of forfeiture. There you are, the wonders of
13 the Internet. Let me look at it. I guess that's not the
14 Internet. That's simply e-mail.

15 I do have a proposed and consented-to preliminary
16 order of forfeiture. I see it looks like Ms. Kearney's
17 signature on it, yes, and Mr. Ciaccio's, by Ms. Friedlander,
18 and Ms. Friedlander's signature. I am going to sign it and I
19 believe, with the filing of the judgment in this case, it
20 becomes a permanent order of forfeiture.

21 I will now impose sentence. I find the total offense
22 level is 27, the criminal history category is II. The
23 guideline range is 78 to 97 months. Pursuant to the Sentencing
24 Reform Act of 1984, it is the judgment of this Court that the
25 defendant, Joseph Ciaccio, is committed to time served, is

1 sentenced to time served, and he shall be now placed on
2 supervised release for a term of two years with the conditions
3 recommended by the probation department, namely, mandatory
4 conditions set forth at page 39 of the presentence report, plus
5 the standard conditions set forth on page 40 and 41 of the
6 presentence report, plus the special conditions set forth on
7 page 41 of the presentence report, specifically testing to
8 determine whether the defendant has reverted to using drugs or
9 alcohol, as well as outpatient mental health treatment, as well
10 as a search condition, and he may not incur new credit charges
11 or open additional lines of credit, and he must provide his
12 probation officer with access to all requested financial
13 information. He will be supervised by the district of
14 residence.

15 I'm not imposing a fine because I find Mr. Ciaccio
16 lacks the ability to pay a fine after taking into account the
17 imposition of the financial penalties of restitution,
18 forfeiture, and the special assessment.

19 As I say, I have just now imposed a forfeiture of
20 \$1,140,877.53. The government shall submit an agreed-upon
21 restitution order within 90 days of the entry of the judgment
22 in this case. If the parties fail to agree, the parties can
23 submit opposing proposals. I want that submitted to me before
24 the 90 days.

25 I also order Mr. Ciaccio to pay to the United States a

1 special assessment of \$100, which is due immediately.

2 I have sentenced the defendant below the guideline
3 range on the basis of that departure. I have set forth the
4 reason for the departure on the record. I believe the sentence
5 is appropriate, given the seriousness of the offense and the
6 need for punishment and deterrence.

7 Ms. Friedlander, are you aware of any legal reason why
8 this sentence should not be imposed as I have stated it?

9 MS. FRIEDLANDER: No, your Honor.

10 THE COURT: Mr. Sobelman.

11 MR. SOBELMAN: No, your Honor.

12 THE COURT: I hereby order the sentence to be imposed
13 as I have stated it.

14 Mr. Sobelman, was there a limited waiver of appeal
15 rights in the plea agreement here?

16 MR. SOBELMAN: Yes, your Honor.

17 THE COURT: Mr. Ciaccio, you have the right to appeal
18 this sentence I just imposed on you, sir. If you cannot pay
19 the cost of an appeal, you have the right to apply for leave to
20 appeal *in forma pauperis*.

21 I do wish to inform you, sir, that in your plea
22 agreement you agreed to waive the right to appeal the sentence,
23 and you agreed to waive the right to collaterally attack the
24 sentence if I sentence you to 97 months or below. I most
25 certainly have done that because I have sentenced you to time

1 served on the basis of a departure.

2 Mr. Sobelman, are there open counts or underlying
3 instruments here?

4 MR. SOBELMAN: No, your Honor.

5 THE COURT: Mr. Ciaccio, I don't know what I can tell
6 you. I think what you have to do is concentrate on your
7 family, concentrate on your health, do the best you can to get
8 out of the 24/7 care facility. I think getting into a home of
9 your own with your family will be very important for your
10 physical and your mental health. I don't think you are going
11 to commit this crime again. Obviously, stay as far away from
12 any criminal wrongdoing. I won't say that. What I'll say is,
13 stay completely away from any criminal wrongdoing. Do you
14 understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: I can't do anything for you now, sir. The
17 probation department will make sure you stay off of drugs. But
18 everything else has got to be up to you. So you've got to dig
19 deep into yourself and find the strength to stay off drugs and
20 to keep as solid a relationship with your children and your
21 wife as you can. Do you understand that?

22 THE DEFENDANT: Yes, your Honor. Thank you.

23 THE COURT: Mr. Sobelman, anything else?

24 MR. SOBELMAN: No, your Honor.

25 THE COURT: Ms. Friedlander, anything else?

1 MS. FRIEDLANDER: No, your Honor. Thank you.

2 THE COURT: The Court is leaving the call.

3 Mr. Ciaccio, I don't want to see you again. I don't
4 mean that negatively. What I mean is, I don't want to see you
5 for violation of supervised release. I am not sure what I
6 would do or what I can do, but I know I would have to do
7 something. I don't mean that as a threat. What I mean is, I
8 want you to have the most comfortable living situation you can.
9 I don't think it would help anything to send you to prison. If
10 that's the only option, I may have to take that. Let's avoid
11 all of that. OK. Stay away from drugs. Thank you.

12 The Court is leaving the call. Good luck to you, sir.

13 THE DEFENDANT: Thank you.

14 (Adjourned)

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